

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of PacifiCorp (U-901-E) and
MidAmerican Energy Holdings Company for
Exemption Under Section 853(b) from the
Approval Requirements of Section 854(a) of the
Public Utilities Code with Respect to the
Acquisition of PacifiCorp by MidAmerican.

Application 05-07-010
(Filed July 15, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING SETTING AN AGENDA,
GROUND RULES, AND PROCEDURES FOR THE FORMAL HEARING**

Pursuant to the Assigned Commissioner's Ruling and Scoping Memo dated September 26, 2005, a Formal Hearing will be held at the following time and place:

**Tuesday, November 22, 2005
10:00 a.m.
Commission's Hearing Room
State Office Building
505 Van Ness Avenue
San Francisco, California**

In accordance with Rule 8(f)(2), the purpose of the Formal Hearing is to provide parties an opportunity to offer comments and arguments on the record before the Assigned Commissioner and the assigned Administrative Law Judge (ALJ), and to allow the Assigned Commissioner and the assigned ALJ to ask questions directly to the parties. Each party will have 20 minutes for an opening presentation and 10 minutes for a closing presentation. The Greenlining Institute may also make a statement at hearing as a member of the public, but not as a party. The agenda and ground rules for the hearing are attached to this Ruling.

The persons making the presentations should have first hand knowledge of the issues to the extent practical. For example, the Applicants should have as their chief presenter an officer who is familiar with the proposed transaction. The persons making the presentations will not be sworn in, but their statements will be subject to Rule 1.¹ There will not be cross-examination.

Any party that intends to participate in the Formal Hearing must notify the assigned ALJ and the service list by email no later than 5:00 p.m., on Friday, November 18, 2005. Each party's notification should identify the person(s) who will be making the presentations. Parties unable to attend the hearing may file and serve written presentations prior to the hearing.

IT IS RULED that:

1. A Formal Hearing will be held on November 22, 2004, at 10:00 a.m., in the Commission's Hearing Room, State Office Building, 505 Van Ness Avenue, San Francisco, California.

2. Any party that intends to participate in the Formal Hearing must notify the assigned Administrative Law Judge and the service list by email no later than 5:00 p.m., on Friday, November 18, 2005. Each party's notification shall identify the person(s) who will be making the presentations.

3. Parties unable to attend the Formal Hearing may file and serve written presentations prior to the hearing.

¹ Rule 1 states: "Any person who signs a pleading or brief, enters an appearance at a hearing, or transacts business with the Commission, by such act represents that he or she is authorized to do so and agrees to comply with the laws of this State; to maintain the respect due to the Commission, members of the Commission and its Administrative Law Judges; and never to mislead the Commission or its staff by an artifice or false statement of fact or law."

4. Parties shall adhere to the time allocations, ground rules, and procedures set forth herein.

Dated November 17, 2005, at San Francisco, California.

/s/ TIMOTHY KENNEY by LTC

Timothy Kenney
Administrative Law Judge

AGENDA

10:00 a.m.

Call to Order

**Introductory Remarks by the Assigned
Commissioner and the assigned ALJ**

Opening Presentations by the Parties

- Applicants (20 minutes)
- Party 1 (20 minutes)
- Party 2 (20 minutes)
- Each additional party (20 minutes each)

Break, if appropriate (10 minutes)

Closing Presentations by the Parties

- Applicants (10 minutes)
- Party 1 (10 minutes)
- Party 2 (10 minutes)
- Each additional party (10 minutes each)

Public Statement and Applicants' Response

- The Greenlining Institute (10 minutes)
- Applicants' Response (10 minutes)

Adjourn

GROUND RULES

1. Parties that have participated in this proceeding as part of a group may participate in the Formal Hearing only through the group. These groups are:
 - a. The Applicants.
 - b. The Conservation Coalition, which is comprised of American Rivers, California Trout, and Trout Unlimited.
 - c. The Klamath Coalition, which is comprised of the Pacific Coast Federation of Fishermen Associations, Institute for Fisheries Resources, Northcoast Environmental Center, Friends of the River, Oregon Natural Resources Council, Headwaters, Klamath Forest Alliance, Waterwatch of Oregon, and the Sierra Club.
2. A portion of the time allocated to each party is reserved for responding to questions, if any, from the Assigned Commissioner and the assigned ALJ. Parties should plan their presentations accordingly.
3. The persons making presentations will not be sworn in, but their statements will be subject to Rule 1. There will not be cross-examination.
4. Parties may distribute handouts at the Formal Hearing in accordance with the following procedures:
 - a. Parties must provide copies of handouts to every party attending the Formal Hearing, the Assigned Commissioner, and the assigned ALJ.
 - b. All pages and the points made on each page should be numbered for ease of reference.
 - c. Handouts should include citations to the parts of the record supporting any factual assertions.
 - d. Handouts will not be received as exhibits. The copies of the handouts will be appended to the hearing transcript.
5. Time and space limitations prevent the convenient use of briefing boards or projectors, and parties should not plan to use either.

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Setting an Agenda, Ground Rules, and Procedures for the Formal Hearing on all parties of record in this proceeding or their attorneys of record.

Dated November 17, 2005, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.